

# UNITED STATES INTERNATIONAL TRADE COMMISSION

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In the Matter of:  
CERTAIN MOBILE ELECTRONIC DEVICES  
AND RADIO FREQUENCY AND PROCESSING  
COMPONENTS THEREOF (II)

) Investigation No.:  
) 337-TA-1093  
)  
)

## OPEN SESSIONS

Pages: 1953 – 2270 (with excerpts)  
Place: Washington, D.C.  
Date: Tuesday, September 25, 2018



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UNITED STATES OF AMERICA

BEFORE THE

INTERNATIONAL TRADE COMMISSION

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IN THE MATTER OF: :  
CERTAIN MOBILE ELECTRONIC DEVICES : Investigation No.  
AND RADIO FREQUENCY AND PROCESSING : 337-TA-1093  
COMPONENTS THEREOF (II) :

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HEARING

Tuesday, September 25, 2018  
Courtroom C  
U.S. International Trade  
Commission  
500 E Street SW  
Washington, DC

The Hearing commenced, pursuant to notice of the Judge,  
at 9:31 a.m., before the Honorable MaryJoan McNamara,  
Administrative Law Judge for the United States  
International Trade Commission.

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1 signals down the line, as is shown here. And they are  
2 depicted as being separate signals in this figure.

3 Q Now, if we could go to CDX-3C.109. So even if  
4 Lee had a single RF input signal, and you have just  
5 explained to us why you don't think that's the case, would  
6 the Lee reference satisfy the limitation that we're looking  
7 at here, "the input RF signal employing carrier  
8 aggregation"?

9 A No, it would not, because as I said a moment  
10 ago, Lee is separate radios in a multiradio device, for  
11 Bluetooth and Wi-Fi. These signals are received, but they  
12 are unrelated, and there's nothing taught in Lee about  
13 creating a wider pipeline, send a signal data stream and  
14 aggregate it to increase the data rate.

15 Q Okay. So then why is receiving a Bluetooth  
16 signal and a Wi-Fi signal at the same time not carrier  
17 aggregation?

18 A Because nothing is combined together to increase  
19 the data rate.

20 Q So does Lee refer to Bluetooth and Wi-Fi  
21 anywhere as carrier aggregation?

22 A No, he does not.

23 Q And does it use the phrase "carrier aggregation"  
24 at all?

25 A That phrase does not appear in Lee.

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1 combining signals together to increase the aggregated data  
2 rate. That is not in Hirose.

3 Q Okay. Now, what did the PTO include about -- or  
4 conclude about the amendment to add carrier aggregation  
5 over the Hirose reference rejection?

6 A In -- in the file history, when that language  
7 was added, Hirose was overcome. That was the conclusion of  
8 the patent examiner.

9 Q Okay. So now, we just talked about the  
10 limitation that read in claim 1, "the input RF signal  
11 employing carrier aggregation."

12 Q Okay?

13 A Okay.

14 Q So is that same limitation in claim 17?

15 A Yes, it is. It's claim 17 is the method claim  
16 of claim 1.

17 Q Okay.

18 A The apparatus of claim 1.

19 Q Okay. I understand. So then the analysis that  
20 you just walked through regarding the limitation the input  
21 RF signal employing carrier aggregation, would that apply  
22 to claim 17 as well?

23 A Yes, it would be the same analysis with the same  
24 conclusion.

25 Q Okay. Now I'd like to move to the second basis

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1 JUDGE MC NAMARA: Please be seated.

2 Any time you are ready, Ms. Tallon.

3 MS. TALLON: Thank you, your Honor.

4 And we should be able to be on the public record  
5 for the duration, which is about 2-1/2 hours -- no, I'm  
6 kidding.

7 Don't worry, Dr. Foty. Hope you're feeling  
8 better, sir.

9 THE WITNESS: I said that's the wrong question.  
10 I am feeling better, but it will be a long time before I  
11 get better.

12 CROSS-EXAMINATION

13 BY MS. TALLON:

14 Q I hope you get there soon.

15 Dr. Foty, I'm going to start with your opinion  
16 on the '356 patent and Dr. Fay's opinion that the claims  
17 are anticipated. Do you have that in mind?

18 A That's a good starting point.

19 Q Now, you testified on your direct with  
20 Mr. Nelson that the Lee reference was before the Patent  
21 Office during prosecution of the '356 patent; right?

22 A Lee appears on the face of the '356 patent, yes.

23 Q Correct. And I think I got this quote from you  
24 right. I heard you say apparently the Patent Office  
25 reached the conclusion that Lee and Winiecki taught away

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